

LOUISIANA STATE BOARD
OF
PRIVATE SECURITY EXAMINERS



LAW AND RULES

Louisiana Revised Statutes
Title 37. Professions and Occupations
Chapter 47. Private Contract Security Companies

Current through the 2007 Regular Session

§ 3270. Declaration of purpose

A. The Legislature of Louisiana declares that it is necessary to require the licensure of private security agents and businesses to be in the best interest of the citizens of this state.

B. The purpose of this Chapter is to require qualifying criteria in a professional field in which unqualified individuals may injure the public. The requirements of this Chapter will contribute to the safety, health, and welfare of the people of Louisiana.

§ 3271. Private security law; short title

This Chapter shall be known and may be cited as the Private Security Regulatory and Licensing Law.

§ 3272. General definition of terms

- A. As used in this Chapter, the following terms shall have the following meanings ascribed to them:
- (1) "Applicant" means a person who seeks to be examined for licensure or registration by the board.
 - (2) "Armed security officer" is an individual who provides security services and who at any time wears, carries, possesses, or has access to a firearm or any other weapon defined by the board. All other defensive or offensive weapons not approved by the board are prohibited.
 - (3) "Armored car company or armed courier company" means any person that provides secured transportation and protection from one place or point to another place or point involving money, currency, coins, bullion, securities, bonds, jewelry, or other valuables.
 - (4) "Board" means the Louisiana State Board of Private Security Examiners, an agency in the Department of Public Safety and Corrections.
 - (5) "Branch manager" means the individual endowed with the responsibility and liability for a branch office.
 - (6) "Branch office" means a separate office which is part of a company licensed by the board.
 - (7) "Instructor" means any person approved and licensed by the board to administer and certify the successful completion of the required minimum training requirements for security officers.
 - (8) "Contract security company" means any person engaging in the business of providing, or which undertakes to provide, a security officer on a contractual basis for another person.
 - (9) "Department" means the Louisiana Department of Public Safety and Corrections.
 - (10) "Executive secretary" means the chief administrative officer of the board.
 - (11) "Licensee" means any person to whom a license is granted in accordance with the provisions of this Chapter.

(12) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, or other legal entity.

(13) "Principal corporate officer" means the president, vice president, treasurer, secretary, or comptroller or any other person who performs functions for the corporation corresponding to those performed by the foregoing officers.

(14) "Private security business" is any entity that provides protection to persons and property, excluding any law enforcement agency, but including any:

- (a) Contract security company; or
- (b) Armored car company or armed courier company.

(15) "Qualifying agent" means a responsible officer or executive employee meeting the experience qualifications set forth herein.

(16) "Registrant" means an individual who holds a valid registration card issued by the board.

(17) "Registration card" means the identification card issued by the board to a registrant as evidence that the registrant has met the required minimum qualifications.

(18) "Security officer" means an individual who is principally employed by a contract security company whether armed or unarmed, to protect a person or persons or property or both, and whose duties include but are not limited to the following:

- (a) Prevention of unlawful intrusion or entry.
- (b) Prevention of larceny.
- (c) Prevention of vandalism.
- (d) Protection of property or person.
- (e) Prevention of abuse.
- (f) Prevention of arson.
- (g) Prevention of trespass on private property.
- (h) Control, regulation, or direction of the flow or movements of the public, except on public streets, whether by vehicle, on foot, or otherwise.
- (i) Street patrol service or merchant patrol service, which is any contract security company that utilizes foot patrols, motor vehicles, or any other means of transportation in public areas or on public thoroughfares in the performance of its security functions.

B. The board by rule may define terms only pursuant to and consistent with the provisions of this Chapter.

C. The provisions of this Chapter shall not apply to persons and corporations exempted by R.S. 37:3298.

§ 3273. Louisiana State Board of Private Security Examiners; creation; qualification; domicile; term of office; confirmation; oath of office; compensation

A. The Louisiana State Board of Private Security Examiners is hereby created as an agency of the state government in the Department of Public Safety and Corrections. The board shall be a body corporate and may sue and

be sued.

B. The board shall consist of nine members appointed by the governor. One member shall be appointed from and shall reside in each of the five public service commission districts established by law. Four members shall be appointed from the state at large. Each member shall be a citizen of the United States of America, a resident of Louisiana, at least thirty years of age, and shall have been actively engaged in the private security business for at least five years. One of the members appointed at large shall be a representative of a nationally operated security company. Each member shall be licensed or registered with the board or a corporate officer of a licensed company.

C. The board shall be domiciled in Baton Rouge, but shall be authorized to meet elsewhere in the state.

D. Each appointed member shall serve at the pleasure of the governor for a term concurrent with the term of office of the governor appointing him, except that each member shall serve until his successor has been appointed and begins serving.

E. Each appointment by the governor shall be submitted to the Senate for confirmation. No appointee shall serve more than two consecutive terms.

F. In the event of death, resignation, or disability of a member of the board, the governor shall fill the vacancy by appointing a qualified person for the remainder of the unexpired term.

G. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty.

H. (1) No member of the board shall receive a per diem but shall be reimbursed for actual expenses when actually attending a meeting of the board or any of its committees, and for time spent on behalf of the board on official business not to exceed ten days in any month.

(2) Additionally, each member shall be reimbursed for all necessary travel and incidental, and clerical expenses incurred in carrying out the provisions of this Chapter and upon approval of the board as evidenced by voucher.

§ 3274. Powers, duties, authorities, and responsibilities; meetings; quorum

A. The board shall:

- (1) Examine all applicants to be licensed and regulated under the provisions of this Chapter.
- (2) Administer a written examination for prospective licensees at least twice each year.
- (3) Adopt rules and regulations to govern the practice of private security in the state of Louisiana.
- (4) Issue, suspend, modify, or revoke licenses or registration cards to provide private security in the state of Louisiana.
- (5) Report to the attorney general of the state of Louisiana all persons violating the provisions of this Chapter.
- (6) Elect a chairman and a vice chairman, each to serve two-year terms.
- (7) Report annually, no later than March 1, to the governor, the secretary of the department, and the legislature on its activities.
- (8) Adopt its official seal.

(9) Investigate alleged violations of the provisions of this Chapter and any rules and regulations adopted by the board.

(10) Govern in accordance with the Louisiana Administrative Procedure Act.

(11) Adopt rules to authorize the assessment of administrative penalties in the form of fines not to exceed five hundred dollars per violation and cost of the board's proceedings.

B. The board may:

(1) Adopt and enforce rules and regulations, bylaws, and rules of professional conduct as the board may deem necessary and proper to regulate private security businesses in the state of Louisiana, to provide for the efficient operation of the board, and otherwise to discharge its duties and powers under this Chapter.

(2) Prescribe and adopt regulations, standards, procedures, and policies governing the manner and conditions under which credit shall be given by the board for participation in a program of continuing professional education such as the board may consider necessary and appropriate to maintain the highest standards of the private security industry in the state of Louisiana.

(3) Authorize any member of the board to make any affidavit necessary for the issuance of any injunction or other legal process authorized under this Chapter or under the rules and regulations of the board.

(4) Issue subpoenas to require attendance and testimony and the production of documents, for the purpose of enforcing the laws relative to the private security industry and securing evidence of violations thereof.

(5) Maintain a current list of all businesses and persons licensed by the board.

(6) Appoint a qualified executive secretary.

(7) Employ clerical assistance necessary to carry out the administrative work of the board.

(8) Employ legal counsel to carry out the provisions of this Chapter, provided that the fees of such counsel and the costs of all proceedings except criminal prosecutions shall be paid by the board from its own funds.

(9) Incur all necessary and proper expenses.

(10) Purchase or otherwise acquire any real or personal property, including making or entering into mortgages, as may be necessary or convenient to the exercise of its powers in order to accomplish the purposes of this Chapter. The board shall take title to and hold such property in its name as an agency of the state.

(11) When a state of emergency has been declared in this state pursuant to R.S. 14:329.6, authorize the operation of out-of-state private security businesses within the state and the use of its employees within the state for the duration of the state of emergency or for a stipulated amount of time after declaration of the state of emergency, not to exceed thirty days from the last day of the declared state of emergency, if the private security business:

(a) Is licensed in another state in which the qualifications, insurance, training, and other similar requirements are at least equal to those required under this Chapter.

(b) Has notified the board that they intend to operate in the state and submits all information requested by the board.

C. The chairman and executive secretary of the board, or in their absence any other member of the board, may administer oaths in the taking of testimony upon any matter appertaining to the duties and powers of the board.

D. The board shall meet quarterly at regular meetings each year. A special meeting may be held at such time and place as specified by the executive secretary on call of the chairman or any four members. The executive

secretary shall give written notice of all meetings to the members of the board and to the interested public.

E. A majority of the voting members of the board shall constitute a quorum for all purposes, including the granting or issuance of licenses and the rulemaking and adjudicative functions of the board.

§ 3275. Executive secretary; duties

The position of executive secretary of the board is hereby created. The executive secretary shall be appointed by the board and shall serve as its chief administrator. He shall not be a member of the board, but shall be a full-time employee of the board, to be paid compensation in an amount to be determined by the board. The executive secretary shall perform such duties as may be prescribed by the board, and shall employ such persons as he deems necessary and fix their compensation. He shall have no financial or business interests, contingent dealings or otherwise, in the security services investigative business, watch, guard, or patrol agency while so employed or for a period of five years thereafter.

§ 3276. Qualifications of licensee

A. The board shall base the determination of the satisfactory minimum qualifications for licensing on whether or not the applicant meets the following criteria:

- (1) Is of good moral character.
- (2) Is of legal age.
- (3) Is a citizen of the United States.
- (4) Has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude, or illegal use or possession of a dangerous weapon for any of which a full pardon or similar relief has not been granted under the laws of the United States, the state of Louisiana, or any state or country.
- (5) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease which has not been restored.
- (6) Does not suffer from habitual drunkenness or from narcotics addiction or dependence.
- (7) A corporation seeking a license shall be incorporated under the laws of this state, or shall be duly qualified to do business within this state with a valid certificate of authority issued by the secretary of state, and shall have an agent for service of process designated as required by law.

B. If, in the opinion of the board, the applicant provides inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application, or may be required to present himself for an interview for this purpose.

C. An applicant for licensing shall fill out and file with the board an application form provided by the board. The form shall require relevant information about the applicant's character, experience, and background.

- D.
- (1) If the applicant is an individual, the application shall be subscribed and sworn to by such person.
 - (2) If the applicant is a partnership, the application shall be subscribed and sworn to by each partner.
 - (3) If the applicant is a corporation, it shall be subscribed and sworn to by at least two principal corporate officers.

(4) Any individual signing a license application shall submit with the license application classifiable impressions of his fingerprints on a form approved by the board.

E. The licensee shall be required to have in effect general liability insurance of at least five hundred thousand dollars with the state of Louisiana named as an additional insured and shall provide to the board a certificate of insurance issued by the carrier.

F. Every person in the private security business shall apply to the board for a license prior to operating a business or soliciting business in Louisiana.

G. An applicant and/or qualifying agent for a security business shall have three years' consecutive experience as an employee, manager, or owner of a security company, or three years' experience as a law enforcement officer with any federal, state, local, or United States military law enforcement agency.

§ 3276.1. Suitability

A. No person may be eligible to apply or be granted a license under the provisions of this Chapter if he has been convicted in any jurisdiction of any crime of violence as defined by R.S. 14:2(B).

B. (1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the board that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

(a) A person of good moral character, honesty, and integrity.

(b) A person whose prior activities, arrest, or criminal record if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation of private security companies, and do not create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.

(c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.

(d) Not prohibited from making application or disqualified from licensure under the provisions of Subsection A of this Section.

(e) A person who does not owe the state or local governing authority of the parish or municipality in which the company is located any delinquent taxes, penalties, or interest, excluding items under formal appeal or protest as provided by law.

(2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the board that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the board even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

C. All licensees and persons required to be qualified under this Chapter shall have a continuing duty to inform the board of any action which they believe would constitute a violation of this Chapter. No person who so informs the board shall be discriminated against by an applicant or licensee because of supplying such information.

D. Every person who has or controls directly or indirectly more than a five percent ownership, income, or profit interest in an entity which has or applies for a license in accordance with the provisions of this Chapter, or who receives more than five percent revenue interest in the form of a commission, finder's fee, loan repayment, or any other business expense related to the private security business, or every person who is an officer or a director of the company, or who has the ability, in the opinion of the board, to exercise a significant influence over the activities of a licensee

authorized or to be authorized by this Chapter, shall meet all suitability requirements and qualifications for licensees.

§ 3277. Investigation; time; procedure

A. (1) After receipt of an application for a license, the board shall conduct an investigation to determine whether the facts set forth in the application are true.

(2) Within sixty days after receipt of an application, the board shall either issue a license to the applicant or notify the applicant of a denial of the license application.

(3) In the event that the board requires additional information from the applicant to complete its investigation, or otherwise to satisfy the requirements of this Chapter, or if the applicant has not submitted all of the required information with the application, the board shall notify the applicant by certified mail of the additional information required and the applicant shall have thirty days from the date of said notice to submit the additional information to the board, or the application shall be denied.

(4) The board shall deny the application for a license if it finds that the applicant, or the qualifying agent, or any of the applicant's owners, partners, or principal corporate officers have committed any of the following:

(a) Violated any of the provisions of this Chapter or the rules and regulations promulgated by the board.

(b) Practiced fraud, deceit, or misrepresentation.

(c) Knowingly made a material misstatement in the application for a license.

(d) Failed to meet the qualifications as outlined in R.S. 37:3276; and any other qualifications set forth in this Chapter and any rules and regulations adopted by the board.

(e) Repealed by Acts 1989, No. 552, § 2.

B. The board may refuse to issue a license for good cause shown.

§ 3278. Examination

The board shall determine the scope, form, and content of the examinations for licensure. The examination, which shall be written, shall test the applicant's knowledge of the private security business and his ability to apply that knowledge and to assume responsible charge in the practice of private security.

§ 3279. Approval, denial; procedure; appeals; prior qualifications

A. The procedure of the board in approving or denying an application shall be as follows:

(1) If the application is approved, the board shall notify the applicant in writing that a license will be issued.

(2) If the application is denied, the board shall notify the applicant in writing and shall set forth the grounds for denial.

(3) (a) If the grounds for denial are subject to correction by the applicant, the notice of denial shall so state and the applicant shall be given ten days after receipt of such notice or, upon application, a reasonable additional period of time within which to make the required correction.

(b) If the application is denied, the applicant, within thirty days after receipt of notice of denial from the board, may request a hearing on the denial. Within ten days after the filing of such request for hearing by the applicant, the board shall schedule a hearing to be held after due notice to the applicant. The hearing shall be

conducted in accordance with the Administrative Procedure Act.

B. The board shall issue a license to each applicant who meets the requirements of this Chapter, passes satisfactorily the examination administered by the board, and pays the required fee.

C. An applicant who fails an examination may be examined again upon filing a reexamination application and paying the reexamination fee fixed by this Chapter.

D, E. Repealed by Acts 1991, No. 315, § 2.

§ 3280. License form; information; assignment or transfer

A. The license, when issued, shall be in a form prescribed by the board and shall include the following:

- (1) Name of the licensee.
- (2) Business name under which the licensee is to operate.
- (3) Addresses of the locations where the licensee is authorized to operate.
- (4) Number and date of the license, and its date of expiration.

B. (1) No license shall be assigned or transferred, either by operation of law or otherwise.

(2) If a sale, assignment, transfer, merger, or consolidation of a business licensed under this Chapter is consummated, the purchaser, assignee, transferee, or surviving or new corporation, who is not already a licensee, shall immediately apply for a license on a form prescribed by the board which shall include the general information required of this Chapter.

(3) The purchaser, assignee, transferee, or surviving or new corporation shall be subject to the same general requirements and procedures set forth in this Chapter to the extent such sections are applicable, and may continue the operation of that licensed business until notified by the board of its final decision on the new application for a license.

(4) For good cause shown, the board may extend the period of time for filing the application required.

§ 3281. Posting; unlawful posting; surrender of license

A. (1) Within seventy-two hours after receipt of the license certificate, the licensee shall cause the license certificate to be posted and to be displayed at all times in a conspicuous place in the principal office of the licensee within the state.

(2) Copies of the license certificate shall be displayed at all times in any other office within the state where the licensee transacts business.

(3) Such license certificates, or copies thereof, shall be subject to inspection at all reasonable times by the board.

B. It shall be unlawful for any person holding such a license certificate knowingly and willfully to post such license certificates, or permit such license certificate to be posted, upon premises other than those described in the license certificate, or knowingly and willfully to alter such license certificate.

C. (1) Each license certificate shall be surrendered to the board within seventy-two hours after it has been revoked or after the licensee ceases to do business.

(2) If, however, the board or a court of competent jurisdiction has pending before it any matter relating to the renewal, revocation, or transfer of a license, the licensee shall not be required to surrender the license until the matter has been adjudicated and all appeals have been exhausted.

(3) Repealed by Acts 1991, No. 315, § 2.

§ 3282. Notification of changes

The licensee shall notify the board within ten days of any change in its officers, directors, or other material change in the information previously furnished or required to be furnished to the board, or immediately upon any occurrence which could reasonably be expected to affect the licensee's right to a license under this Chapter.

§ 3283. Security officer registrant; card; application; qualifications; investigation; denial, suspension, or revocation; validity; renewal; change of address

A. (1) Each person who performs the functions and duties of a security officer within this state as defined in this Chapter shall apply to the board for a registration card.

(2) The portion of the board application indicating temporary registration shall be carried by the applicant when he is within the scope of his employment until such time as he receives his permanent registration card from the board.

(3) Individuals required to obtain a registration card under this Chapter shall file for a registration card and, upon completion thereof, the licensee shall immediately forward the application to the board.

(4) (a) Every applicant for a registration card shall make and deliver to the licensee a sworn application in writing upon a form prescribed by the board.

(b) The board shall prescribe by rule the form for such application and procedures for their submission, consideration and disposition, including the fee to accompany the application.

(c) To be eligible to apply for a registration card an individual shall have the same qualifications required of an applicant provided in R.S. 37:3276 but may be a resident alien.

B. Every person required to be registered by the board shall carry his registration card when performing the duties for which he is registered, and it shall be exhibited upon request by any authorized representative of the board or any law enforcement officer. The registration card shall entitle the registrant to perform the duties as described therein as long as the registrant maintains his eligibility under the provisions of this Chapter.

C. The registration card shall bear the name or license number of the employer, an identifying number, photograph, and any other identifying data required by the board.

D. After receipt of an application for a registration card, the board shall conduct an investigation to determine whether the facts set forth in the application are true. Actions by the board to approve or deny an application for a registration card shall be the same as that action taken to deny or approve an application for license as provided in R.S. 37:3279.

E. (1) If the board denies, suspends, or revokes a registration card, the cardholder, upon receipt of the notice of denial, suspension, or revocation, shall immediately cease to perform the duties for which he is registered, unless specifically authorized to continue work by order of the board, or by a court of competent jurisdiction within the state.

(2) Both the cardholder and the employer shall be notified by the board of its final action to deny, suspend, or revoke a registration card.

F. (1) Registration cards issued by the board shall be valid for a period of two years. The registrant shall be required to advise the board of any changes in his status or permanent address during the valid period. The cardholder shall file a registration card renewal form with the board not less than thirty days prior to the expiration of the card, together with the fee for renewal. The renewal application shall include a statement by the registrant that the registrant continues to meet the qualifications as set forth by the board.

(2) The board may refuse to renew a registration card, and shall promptly notify the cardholder of its intent to refuse to renew. The cardholder, within fifteen days after receipt of such notice, may request a hearing on such refusal, in the same manner and in accordance with the same procedure as that provided in R.S. 37:3279.

(3) A licensee or employer shall notify the board within ten days after the death or termination of employment of any of its employees who are registrants. Licensees or employers subject to this Chapter shall notify the board within ten days upon receipt of information relating to a registrant's loss of eligibility to hold such a card.

G. (1) Any individual who changes his permanent residence to this state from any other state which the board determines has selection, training, and all other similar requirements at least equal to those required under this Chapter, and who holds a valid registration, commission, identification, or similar card issued by said other state through a licensee which is licensed by this state, and who wishes to continue to be employed by said licensee, may apply for a registration card on a form prescribed by the board upon the payment of a transfer fee. Upon certification by said licensee that such individual has completed the training prescribed by said state, the board shall issue the individual a registration card.

(2) If a person who holds a registration card terminates employment with one employer and is reemployed within thirty calendar days, the new employer, within twenty days of such reemployment shall submit to the board a reapplication on a form prescribed by the board, together with a reapplication fee paid by the new employer. The board shall then issue a new registration card reflecting the name or license number, or both, of the new employer.

(3) The holder of a registration card who terminates employment shall surrender within forty-eight hours the registration card to the former employer. The employer shall return the cancelled registration card to the board within ten calendar days of effective termination date.

H. A registration card shall be subject to expiration and renewal during the period in which the holder of the card is subject to an order of suspension.

§ 3284. Training of security officers; requirements

A. The board shall approve all training programs and shall develop training criteria outlining specific curriculum to be used in the instructing and training of all security officers.

B. (1) Any security officer employed after the effective date of this Chapter shall complete, within thirty days of his first work assignment, eight hours classroom training under a licensed instructor and successfully pass an examination on the prescribed material which shall include the following topics:

(a) Orientation to R.S. 37:3270 through 3298 and the board's rules and regulations: two hours.

(b) Legal powers and limitations of a security officer: two hours.

(c) Emergency procedures: two hours.

(d) General duties/field notes/report writing: two hours.

(2) Armed security officers in addition to the training requirements outlined in Paragraphs (1) and (4) of this Subsection shall complete firearms training and range qualifications, as prescribed by the board, prior to armed work assignment. The nature and extent of firearms training shall be adequately described, approved, and monitored by the board to include at a minimum the following:

- (a) Legal limitations on use of weapons.
- (b) Handling of a weapon.
- (c) Safety and maintenance.
- (d) Dim light firing.
- (e) A shoot, don't shoot program.
- (f) Stress factors.

(3) Marksmanship requirement shall be a minimum of eighty percent on any silhouette target course approved by the board.

(4) Security officers shall have sixty days from date of first work assignment to complete an additional eight hours classroom training under a licensed instructor, as prescribed by the board, and successfully pass a fifty question test administered by the licensed instructor by achieving a minimum score of seventy percent.

C. Failure to complete the required training within the prescribed time period may preclude future consideration for a license for a period of one year.

D. (1) All armed security officers must complete an annual firearms retraining course, as prescribed by the board, which includes refresher courses on subjects previously specified, a written test of at least fifty questions, and retraining in firearms instructions, to include minimum marksmanship qualification of eighty percent on an approved silhouette target course approved by the board. The requirement that the test be a written test shall not be cause for an increase in the cost to the security officer of the required refresher course.

(2) Upon a registrant's completion of any training required, the licensee or employer, as the case may be, shall furnish to the board a documented training verification form of such completion signed by a licensed instructor within fifteen calendar days from said training.

E. All classroom training required by this Chapter shall be administered by a licensed instructor who:

- (1) Is approved by the board.
- (2) Meets the qualifications of an applicant as required by R.S. 37:3276(A)(1) through (6);
- (3) Has a minimum of three years supervisory experience with a contract security company, proprietary security organization, or with any federal, state, parochial, municipal, or United States military law enforcement agency; or
- (4) Degree in administration of justice or the equivalent thereof from an accredited college or university; or
- (5) P.O.S.T. certified instructor; or
- (6) Teaching certificate issued by the state of Louisiana, Department of Education, or the equivalent thereof, and one year supervisory experience in the security field.

F. All firearms training required by this Chapter shall be administered by a licensed instructor who:

- (1) Meets the same qualifications of a classroom instructor as required by Subsection E; and
- (2) Has successfully completed training and possesses a National Rifle Association Security or Police Firearms Instructor certificate, or a P.O.S.T. Firearm Instructor Certificate, or a Department of Energy Firearms

Instructor Certificate, or certification by a branch of the United States military.

G. A board-licensed instructor may be held accountable for improperly certifying security officers, and upon showing of cause, his license as an instructor may be suspended or revoked.

H. All board-licensed instructors shall be required to carry a minimum of one hundred thousand dollars of general liability insurance with the state of Louisiana named as the additional insured and provide the board with a certificate of insurance as proof of coverage.

I. All applicants who apply to the board to become licensed as an instructor are required to pass a written examination administered by the board. The passing grade of the examination shall be seventy percent.

J. Current and former law enforcement officers or current or former military law enforcement officers who have successfully completed a P.O.S.T. certification and firearms training program or equivalent within one year prior to application may submit proof of such documentation to the board as proof of training, which shall be considered the equivalent of the classroom training for security officers as required in Paragraphs (B)(1), (2), and (4) of this Section, but shall not exempt them from the requirements of Paragraph (D)(1) of this Section.

§ 3285. Transportation of firearms

An armed security officer whose duties require the transporting of a firearm to and from the work assignment and his residence, or between assignments, shall be required to have in his possession an armed registration card issued by the board. This registration card does not permit the carrying of concealed weapons.

§ 3286. Fees

A. The board may assess the following schedule of fees, which shall not be refundable:

(1) Company licensee:

- (a) Application fee--\$20.00.
- (b) Examination fee--\$50.00.
- (c) Reexamination fee--\$20.00.
- (d) Initial license fee--\$400.00.
- (e) Renewal license fee--\$400.00.
- (f) Replacement fee for a lost, destroyed, or mutilated license--\$10.00.

(2) Registrant:

- (a) Application fee--\$30.00.
- (b) Renewal fee--\$30.00.
- (c) Transfer fee--\$10.00.
- (d) Replacement fee for a lost, destroyed, or mutilated card--\$10.00.
- (e) Reinstatement fee--\$10.00.
- (f) Status change fee--\$10.00.

(3) Instructor licensee:

- (a) Application fee--\$20.00.
- (b) Inhouse/outside classroom license fee--\$100.00.
- (c) Inhouse/outside firearms license fee--\$150.00.
- (d) Transfer application fee--\$20.00.
- (e) Inhouse/outside classroom renewal license fee--\$100.00.
- (f) Inhouse/outside firearms renewal license fee--\$150.00.
- (g) Examination fee--\$25.00.
- (h) Reexamination fee--\$15.00.
- (i) Replacement fee for a lost, destroyed, or mutilated license--\$10.00.
- (j) Inhouse/outside baton instructor fee--\$100.00.
- (k) Inhouse/outside baton instructor renewal license fee--\$100.00.

B. All fees shall be paid by check or money order made payable to the board.

C. Any fees payable by a registrant under this Chapter, or paid by a licensee on the registrant's behalf, or any deposits which may be required by a licensee from a registrant under this Chapter, may be deducted from any wages payable to the registrant by the licensee; provided that such deduction does not reduce the hourly wage below the applicable minimum wage law.

D. After complying with the Administrative Procedure Act, fees may be assessed on licensees and registrants in addition to the above stated fees as may be required to cover administrative costs.

§ 3287. Renewal of license, certificate; penalty

A. A license shall expire annually on the date of issuance unless renewed by payment of the required renewal fee at least thirty days prior to its expiration. The board shall notify the licensee of the renewal at the last known address at least sixty days in advance of the expiration. If a license is not renewed upon its expiration date, it shall be deemed to have lapsed and to be invalid. The delinquent licensee shall apply again for initial licensure.

B. The board shall issue the same number for the renewed license as that number issued for the original license or shall deny renewal within thirty days. The board shall promptly notify the licensee if it refuses to renew the license.

C. The licensee, within fifteen days after receipt of such notice of intent to refuse to renew a license, may request a hearing on such refusal. A licensee shall be permitted to continue to be engaged in business while his renewal application is pending.

§ 3288. Administrative penalties

A. (1) Any person who is determined by the board, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an egregious act that is a violation of this Chapter or regulation or rule issued thereunder is subject to an administrative penalty of not more than five thousand dollars per violation per day and shall subject such person to revocation of his license. Such egregious acts shall include but not be limited to the following:

(a) Knowingly operating a private security business without meeting the insurance requirements as provided for in this Chapter.

(b) Consistently operating a private security business in violation of the insurance requirements provided for in this Chapter.

(c) Submitting fraudulent documents to the board as required or requested by the board.

(d) Forgery of any documentation submitted to the board.

(e) Operating a private security business without obtaining the required firearms training.

(2) Any person committing any non-egregious acts in violation of this Chapter or any regulation or rule issued thereunder is subject to an administrative penalty of not more than one thousand dollars per violation per day.

B. The board, in accordance with the Administrative Procedure Act, may adopt a schedule of administrative penalties for minor violations that can be assessed by the executive secretary when the violator waives the right to an administrative hearing.

§ 3289. Causes for nonissuance, suspension, revocation, or restrictions; fines; reinstatement

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license issued under this Chapter for good cause shown which shall include the following:

(1) Conviction of a felony or entry of a plea of guilty or nolo contendere to a felony charge under the laws of the United States of America or of any state.

(2) Deceit or perjury in obtaining any certificate or license issued under this Chapter.

(3) Providing false testimony before the board.

(4) Efforts to deceive or defraud the public.

(5) Professional incompetency or gross negligence.

(6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.

(7) The refusal of the licensing authority of another state to issue or renew a license, permit, or certificate to practice in that state, or the revocation or suspension of or other restriction imposed on a license, permit, or certificate issued by such licensing authority.

(8) Aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person, or acting as an agent, partner, associate or otherwise, of an unlicensed person with intent to evade provisions of this Chapter.

(9) Violation of any provision of this Chapter or any rules or regulations of the board or rules of professional conduct promulgated by the board.

B. The board, as a probationary condition or as a condition of the reinstatement of any license suspended or revoked hereunder, may require the holder to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees and assess administrative penalties not to exceed five hundred dollars per violation.

C. Four concurring votes of the board shall be required for the revocation of any license. Four concurring votes shall be required for suspension of any license or the imposition of costs or fines in excess of five hundred dollars.

D. Any certificate or license suspended, revoked, or otherwise restricted by the board may be reinstated by majority vote of a quorum.

§ 3290. Insignias; markings; clothing; restrictions

A. (1) With the exception of sworn peace officers in police uniform, no individual, while performing the duties of a security officer, shall wear or display any badge, insignia, device, shield, patch, or pattern which shall indicate or tend to indicate that he is a sworn peace officer, or which contains or includes the word "police", or the equivalent thereof, or is similar in wording to any law enforcement agency in this state.

(2) A copy of such badges and insignias of the licensee shall be submitted for approval to the board at the time of filing for initial and renewable license application.

(3) Security officer uniforms shall be specifically described and a full length picture of said uniform shall be submitted to the board for approval.

B. No person, while performing any private security services, shall have or utilize any vehicle or equipment displaying the words "police", "law enforcement officer", or the equivalent thereof, or have any sign, shield, marking, accessory, or insignia that may indicate that such vehicle is a vehicle of a public law enforcement agency.

C. (1) Repealed by Acts 1997, No. 155, § 2.

(2) All military or police-style uniforms, except for rainwear or other foul weather clothing, shall have affixed over the left breast pocket or on the sleeve of the shirt, blouse, or the outermost garment, and on all caps worn by such persons, badges, or insignias distinct in design from those utilized by law enforcement agencies within the state, and approved by the board.

(3) Suppliers of uniforms shall be prohibited from the sale or rental of uniforms, badges, and insignia of a licensee or law enforcement agency without appropriate certification from such licensees or agencies that the intended purchaser is properly authorized to use those items.

D. An employer may require a reasonable deposit to secure the return of the uniform, weapon, or any equipment provided by the employer, provided that such deduction does not reduce the hourly wage below the applicable minimum wage law.

§ 3291. Unlawful commissions

A. It shall be unlawful for any person to knowingly commit any of the following acts:

(1) Provide contract security services without possessing a valid license.

(2) Employ any individual to perform the duties that are regulated by this Chapter, who is not the holder of a valid registration card.

(3) Publish any advertisement, letterhead, circular, statement, or phrase of any sort which suggests that the licensee is an official police agency or any other agency, instrumentality, or division of this state or any of its political subdivisions, or of the federal government.

(4) Issue any badge or shield not in conformance with R.S. 37:3290.

(5) Designate an individual as other than one defined in R.S. 37:3272 to circumvent the requirements of this Chapter.

(6) Knowingly make any false statement or material omission in any application filed with the board.

- (7) Falsely represent that a person is the holder of a valid license or registration; or
- (8) Violate any provision of this Chapter or any rule or regulation of the board.
- (9) Provide security for any obvious criminal conduct.

B. It shall be unlawful for any person to knowingly commit any of the following:

- (1) Provide or perform security services without a valid registration card.
- (2) Fail to return immediately on demand or within twenty-four hours of termination of employment a firearm issued by an employer.
- (3) Carry a firearm in the performance of his duties without a valid registration card.
- (4) Fail to return immediately on demand or within seven days of termination of employment any uniform, badge, or other item of equipment issued to the security officer by an employer.
- (5) Make any statement which would reasonably cause another person to believe that the security officer functions as a sworn peace officer or other official of this state, or of any of its political subdivisions, or an agency of the federal government.
- (6) Fail to comply with the regulations issued by the board, or with any other requirements under the provisions of this Chapter.
- (7) Divulge to anyone, other than his employer, or to such persons as his employer may direct, or as may be required by law, any information acquired during such employment that may compromise the security of any premises or assignment to which he shall have been assigned by such employer.
- (8) Fail to return to the employer or the board a registration card as required by the provisions of this Chapter.
- (9) Possess a license or registration card issued to another person.
- (10) Use any uniform, badge, or shield not in conformance with this Chapter.
- (11) Provide security for any obvious criminal conduct.
- (12) Engage the services of any private security business which does not possess a valid license issued by this board pursuant to the provisions of this Chapter, when such person has received via certified mail or personal service official written notice from the board that the private security business does not possess a valid license to operate pursuant to the provisions of this Chapter.

§ 3292. Violations; penalties

A. No person shall engage in the private security business except in accordance with this Chapter and the rules and regulations adopted by the board hereunder.

B. Whoever willfully violates any provisions of this Chapter shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than ten days nor more than five months, or both.

§ 3293. Cease and desist order; injunctive relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided in this Chapter, the board is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter, directing such person or firm to forthwith cease and desist from such activity,

conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the board.

B. If the person or firm to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within three working days from service of such cease and desist order by certified mail, the board may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Chapter.

C. (1) Upon a proper showing by the board that such person or firm has engaged in any activity, conduct, or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

(2) A temporary restraining order, preliminary injunction, or permanent injunction issued hereunder shall not be subject to being released upon bond.

§ 3294. Sole proprietorship, partnership, corporation, association with licensed business

A. This Chapter shall not prohibit one or more businesses from practicing through a partnership, corporation, or association.

B. In any partnership, corporation, or association whose primary activity consists of providing services regulated by this Chapter, at least one partner or corporate officer shall be licensed as a business under this Chapter.

§ 3295. Fund of the board of private security examiners

All fees, administrative fines and cost collected under the provisions of this Chapter shall be paid into the state treasury on or before the twenty-fifth day of the month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated therefrom to pay all obligations secured by the full faith and credit of the state which become due and payable within each fiscal year, the treasurer shall pay an amount equal to the total amount of funds paid into the treasury into a special fund, which is hereby created in the state treasury and designated as the Louisiana State Board of Private Security Examiners Fund. In addition, all other money made available for use as provided in this Chapter shall be credited to this fund.

§ 3296. Adoption of rules

The adoption of any rule or regulation, guideline, substantive procedure, or code of conduct shall be subject to the provisions of the Administrative Procedure Act.

§ 3297. Local governmental restrictions; superseded local governmental laws, code, or ordinances

A. From and after the effective date of this Chapter, no governmental subdivision of this state shall enact any legislation, code, or ordinance or promulgate any rules or regulations relating to the licensing, training, or regulations of contract security companies other than the imposition of a bona fide business tax.

B. Upon said effective date, any provisions of any legislation, code, or ordinance, or rules promulgated by any local governmental subdivision of this state which relates to licensing, training, or regulation of licensees and registrants, as defined herein, shall be superseded by this Chapter.

§ 3298. Inapplicability

A. This Chapter shall not apply to a person or corporation which employs persons who do private security work in connection with the affairs of such employer only and who have an employer-employee relationship with such

employer. Neither such persons or corporations nor their employees shall be required to register or be licensed under this Chapter.

B. This Chapter shall not apply to a peace officer employed by a state, parish, or local law enforcement agency who contracts directly with an employer to work during his off-duty hours and whose off-duty employment is conducted on an independent contractor basis with an employer; however, nothing herein shall be construed to authorize peace officers to employ non-commissioned peace officers to perform any private security functions as defined in this Subsection.

C. This Chapter shall not be construed to apply to a federal peace officer or federal law enforcement officer.

D. This Chapter shall not apply to a peace officer or to a contract security business owned by a peace officer who is employed by the Fourth Judicial District by a state, parish, or local law enforcement agency and has off-duty employment with a private security business or agency. Such business or agency or peace officer shall have in effect the required insurance as provided in this Chapter.